

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY BESS, JR.,

Plaintiff,

2:03-cv-2498-GEB-DAD-P

vs.

EDWARD S. ALAMEDA, JR., et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On August 29, 2007, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fifteen days. Plaintiff's objections to the findings and recommendations were timely filed pursuant to the mailbox rule applicable to prisoners. Defendants filed timely objections pursuant to the extension of time granted by the magistrate judge on September 17, 2007.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, this court has conducted a de novo review of this case. Having carefully reviewed the

entire file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed August 29, 2007, are adopted in full;
and

2. Defendants' January 25, 2007 motion for summary judgment is granted in part and denied in part as follows:

a. Defendants' motion for summary judgment with respect to plaintiff's request for injunctive relief is granted;

b. Defendants' motion for summary judgment in favor of defendants Woodford and Alameida is granted;

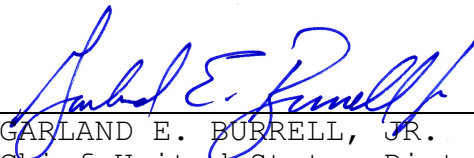
c. Defendants' motion for summary judgment in their favor on plaintiff's Due Process claim is granted;

d. Defendants' motion for summary judgment in their favor on plaintiff's claim for damages against the defendants in their official capacity is granted;

e. Defendants' motion for summary judgment on plaintiff's RLUIPA, First Amendment, and Equal Protection claims is denied;

f. Defendants' motion for summary judgment based on their affirmative defense of qualified immunity is denied.

September 27, 2007


GARLAND E. BURRELL, JR.
Chief United States District Judge